

JUN. 16. 2004 1:05PM MOFO 28TH FL

NO. 914 P. 1

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MORRISON & FOERSTER LLP

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JUN 16 2004

OFFICIAL

To: Centralized Facsimile Center
U.S. Patent Office

Facsimile: 703-872-9306
Telephone:

From: Otis Littlefield

Date: June 16, 2004

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Re: U.S. Patent Application Serial No. 09/646,807
For: CONTROL OF GENE EXPRESSION
By: Michael W. GRAHAM et al.
Our reference: 54632-20003.21

Attached are the following:

1. Transmittal (1 page)
2. Fee Transmittal (in duplicate, 2 pages)
3. Petition for Extension of Time (1 page)
4. Notice of Appeal (1 page)

PTO/SB/21 (08-08)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Total Number of Pages in This Submission	5	Attorney Docket Number	546322000321
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ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate, 2 pages)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to Group (1 page) (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request (1 page)	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

Sent via Facsimile (Facsimile Coversheet not counted as part of this submission)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	MORRISON & FOERSTER LLP (Customer No. 20872) Otis Littlefield - 48,751
Signature	
Date	June 16, 2004

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 672-9306, on the date shown below.

Dated: June 16, 2004

Signature:  (Valerie Cohen)

sf-1725314

PTO/SB/17 (01-08)
Approved for use through 04/30/2003. OMB 0651-0032
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FEET TRANSMITTAL for FY 2003 <small>Patent fees are subject to annual revision.</small>		Complete if Known																																																																																																																													
		Application Number	09/646,807																																																																																																																												
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		First Named Inventor	Michael GRAHAM																																																																																																																												
		Examiner Name	D. Sullivan																																																																																																																												
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METHOD OF PAYMENT (check all that apply)		FEET CALCULATION (continued)																																																																																																																													
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Deposit Account Number 03-1952 Deposit Account Name Morrison & Foerster LLP <small>The Commissioner is hereby authorized to: (check all that apply)</small> <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		<table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>Fee Code (\$)</td><td>Fee Code (\$)</td><td>Fee (\$)</td><td></td></tr> <tr><td>1051 190</td><td>2051 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052 50</td><td>2052 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1058 130</td><td>1053 130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812 2,520</td><td>1812 2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804 920*</td><td>1804 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1806 1,840*</td><td>1806 1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251 110</td><td>2251 55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252 420</td><td>2252 210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253 950</td><td>2253 475</td><td>Extension for reply within third month</td><td>950</td></tr> <tr><td>1254 1,480</td><td>2254 740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255 1,970</td><td>2255 985</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1407 330</td><td>2401 165</td><td>Notice of Appeal</td><td>330</td></tr> <tr><td>1402 320</td><td>2402 160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403 280</td><td>2403 140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451 1,510</td><td>1451 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452 110</td><td>2452 55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453 1,300</td><td>2453 650</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501 1,300</td><td>2501 650</td><td>Utility issue fee (or release)</td><td></td></tr> <tr><td>1502 470</td><td>2502 235</td><td>Design issue fee</td><td></td></tr> <tr><td>1503 630</td><td>2503 315</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460 130</td><td>1460 130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807 50</td><td>1807 50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806 180</td><td>1806 180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021 40</td><td>8021 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1808 750</td><td>2809 375</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810 750</td><td>2810 375</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801 750</td><td>2801 375</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802 800</td><td>1802 800</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="2">Other fee (specify)</td> <td>1615 Claims - extra total (over 20)</td> <td></td> </tr> </tbody> </table>		Large Entity	Small Entity	Fee Description	Fee Paid	Fee Code (\$)	Fee Code (\$)	Fee (\$)		1051 190	2051 65	Surcharge - late filing fee or oath		1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet		1058 130	1053 130	Non-English specification		1812 2,520	1812 2,520	For filing a request for ex parte reexamination		1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action		1806 1,840*	1806 1,840*	Requesting publication of SIR after Examiner action		1251 110	2251 55	Extension for reply within first month		1252 420	2252 210	Extension for reply within second month		1253 950	2253 475	Extension for reply within third month	950	1254 1,480	2254 740	Extension for reply within fourth month		1255 1,970	2255 985	Extension for reply within fifth month		1407 330	2401 165	Notice of Appeal	330	1402 320	2402 160	Filing a brief in support of an appeal		1403 280	2403 140	Request for oral hearing		1451 1,510	1451 1,510	Petition to institute a public use proceeding		1452 110	2452 55	Petition to revive - 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Name (Print/Type)	Otis Littlefield	Registration No. (Attorney/Agent)	48,751																																																																																																																												
Signature			Date	June 16, 2004																																																																																																																											

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PTO/SB/17 (01-03)
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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,280)

Complete if Known

Application Number	09/646,807
Filing Date	December 5, 2000
First Named Inventor	Michael GRAHAM
Examiner Name	D. Sullivan
Group Art Unit	1836
Attorney Docket No.	546322000321

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None
 Deposit Account

Deposit Account Number **03-1952**
 Deposit Account Name **Morrison & Foerster LLP**

The Commissioner is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	185	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	
SUBTOTAL (1)		(\$)		0.00	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims	Fee from below	Fee Paid
Total Claims 27	48 = 0 x 9 = 0.00	
Independent Claims 3	6 = 0 x 43 = 0.00	
Multiple Dependent	145	0.00

Large Entity	Small Entity	Fee Description
Fee Code	Fee (\$)	Fee Description
1202	18	2202 9 Claims in excess of 20
1201	95	2201 43 Independent claims in excess of 3
1203	280	2203 145 Multiple dependent claim, if not paid
1204	84	2204 42 * Reissue independent claims over original patent
1205	18	2205 9 * Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$) 0.00

*or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**DUPLICATE COPY FOR
FEE PROCESSING**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051 85 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	420	2252 210 Extension for reply within second month	
1253	850	2253 475 Extension for reply within third month	950
1254	1,480	2254 740 Extension for reply within fourth month	
1255	1,970	2255 985 Extension for reply within fifth month	
1401	330	2401 165 Notice of Appeal	330
1402	320	2402 160 Filing a brief in support of an appeal	
1403	280	2403 140 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,300	2453 650 Petition to revive - unintentional	
1501	1,300	2501 650 Utility issue fee (or reissue)	
1502	470	2502 235 Design issue fee	
1503	630	2503 315 Plant issue fee	
1460	130	1480 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1808	180	1808 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	750	2809 375 Filing a submission after final rejection (37 CFR 1.129(e))	
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1801	750	2801 375 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	
Other fee (specify)		1615 Claims - extra (totl over 20)	
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$) 1,280	

SUBMITTED BY		Complete if applicable
Name (Print/Type)	Otis Littlefield	Registration No. (Attorney/Agent) 48,751 Telephone (415) 268-6846
Signature		Date June 16, 2004

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 546322000321
In re Application of Michael W. GRAHAM		
Application Number 09/646,807		Filed December 5, 2000
For CONTROL OF GENE EXPRESSION		
Art Unit 1636	Examiner D. Sullivan	

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 03-1952 Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

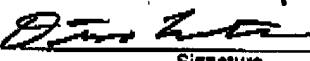
A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

applicant/inventor
 assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

attorney or agent of record.

Registration number _____


Signature

Otis Littlefield
Typed or printed name

attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). 48,751

(415) 268-6846
Telephone number

June 16, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

*Total of 1 forms are submitted.

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 672-9306, on the date shown below.

Dated: June 16, 2004

Signature: Valerie Cohen

(Valerie Cohen)

SF-1724991

PAGE 6/6* RCVD AT 6/16/2004 4:03:49 PM [Eastern Daylight Time]* SVR:USPTO-EFXRF-1/2* DNIS:8729306* CSID:415 2687522* DURATION (mm:ss):02:14